



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2104498  
Applicant Name: John German  
Address of Proposal: 1128 32<sup>nd</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master use permit to subdivide two parcels into three parcels of land in an environmentally critical area. Proposed lot sizes are: Lot 1) 4,533 square feet, Lot 2) 5,724 square feet; and Lot 3) 4,682 square feet. There are two existing houses on site that are to remain. An existing detached garage is to be removed.

The following approvals are required:

**Short Subdivision** - to divide two parcels of land into three parcels.  
(Seattle Municipal Code Chapter 23.24)

**SEPA – Environmental Determination**  
(Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site Description**

This approximately 14,938 square foot rectangular shaped proposal site is located in a Single-Family Residential 5000 (SF 5000) zone to the east of 32<sup>nd</sup> Avenue South between South Norman Street and South Judkins Street. The site has approximately 99.8 lineal feet of frontage on 32<sup>nd</sup> Avenue South, which is a two-lane paved street with curbs, sidewalks and parking for vehicles on both sides at the site location.

The proposal site is developed with two single-family residences and a detached garage. The site is vegetated with grass, shrubs, and trees and is within a Potential Slide Environmentally Critical Area (ECA). A rockery and ECA steep slopes have been identified along the northern property line.

### **Area Development**

Zoning and development in the vicinity of the proposal site is single-family residential. The Single-Family Residential (SF 5000) zone extends in each direction around the proposal site.

### **Proposal Description**

The applicant proposes to short subdivide two parcels into three parcels of land in an environmentally critical area. Proposed lot sizes are: Lot 1) 4,533 square feet, Lot 2) 5,724 square feet; and Lot 3) 4,682 square feet. An existing detached garage will be removed for a future homesite. The two existing single-family residences will remain.

### **Public Comments**

The extended comment period ended on July 25, 2001 and three comments were received which included a request for an extension of the comment period. One comment was in support of the subdivision. A second comment voiced concerns about impacts to the environmentally critical area and the possibility of both legal and illegal fill on site. The third comment address concerns about minimum lot size and the potential building height of a new structure, which could potentially have a negative impact on the view of two neighbors directly to the west of the property.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

*1. Conformance to the applicable Land Use Code provisions;*

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone. Lot 1 and Lot 3 do not meet the required minimum lot area of the SF 5000 zone. However, pursuant to SMC 23.44.010B, creation of lots through a subdivision that are at least 75 percent of the minimum lot area for that zone and at least 80 percent of the mean lot area of all lots on the same block face within which the new lot will be located and within the same zone is permitted. Lots 1 and 2 meet this exception for minimum lot area may be created as separate building sites. The lot configurations provide adequate buildable area to meet applicable yards, lot coverage requirements and other land use code development standards. Any new development must conform to code requirements at the time of application.

*2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Each of the proposed lots will have adequate access for vehicles, utilities, and fire protection via frontage on 32<sup>nd</sup> Avenue South. Each of the three lots would have frontage on 32<sup>nd</sup> Avenue So., however, a 20 ft. shared easement is proposed for purposes of access and utilities.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement identified in the Seattle City Light memorandum, dated September 18, 2001, and “Exhibit A to the City of Seattle Short Subdivision Number 2104498” shall be included on the final plat prior to recording. If this short subdivision is revised in any manner, the attached easement will not be valid. Any revisions must be submitted to Seattle City Light for additional review.

*3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area has been separated with the installation of a 12-inch public storm drain (PSD) in South Norman Street. This PSD drains to a Designated Receiving Water. Plan review requirements will be made at the time of building permit application. If the project is greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.805.015D and 22.802.020 will be required.

Seattle Public Utilities issued a Water Availability Certificate Number 01-0734 on July 16, 2001. All conditions on the Water Availability Certificate must be met prior to receiving water service.

The existing structure on Lot 1 is connected by a single side sewer to an eight-inch public sanitary sewer (PSS) located in 32<sup>nd</sup> Avenue South. The existing structure on Lot 2 is connected by a shared side sewer. This mainline was originally installed as a combined sewer, and as such, there are likely to be downspouts and area drains still connected to what is now considered to be a sanitary sewer. Contact DPD of the Seattle Transportation Department for a side sewer permit.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant provisions of the Seattle Land Use Code. The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site is located within both a Potential Slide and Steep Slope ECAs. Pursuant to SMC 25.09.240, Steep Slope ECAs are subject to the provisions of SMC 25.09.240, short subdivision and subdivisions in environmentally critical areas.

An ECA Steep Slope Limited Exemption was granted based on a Geotechnical Engineering Study prepared by Earth Consultants, Inc. March 14, 2003. The report noted that the steep slopes at the site are not more than 20 feet in height, are not part of a larger steep slope system, and have been created through previous grading activities. Therefore, the ECA steep slope development standards are waived for steep slopes at the site.

The ECA submittal, general, and landside-hazard, and other applicable development standards still apply for the project.

6. *Is designed to maximize the retention of existing trees;*

There are no trees on site that meet the requirements to be regulated under this criterion.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **ANALYSIS - SEPA**

The proposal site is located in a landslide prone critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical area shall be limited to: 1) documenting whether the proposal is

consistent with the City's Environmentally Critical Area (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant May 3, 2000 and revised June 2, 2002. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas; and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

### Earth

This site is located within the Potential Slide Environmentally Critical Area (ECA's) as mapped and designated by the City of Seattle. In addition, a steep slope ECA was identified along the northern property line.

An ECA Limited Exemption was granted based on a Geotechnical Engineering Study prepared by Earth Consultants, Inc. March 14, 2003. The report noted that the steep slopes at the site are not more than 20 feet in height, are not part of a larger steep slope system, and have been created through previous grading activities. Therefore, the ECA steep slope development standards are waived for steep slopes at the site. The ECA submittal, general, and landside-hazard, and other applicable development standards still apply for the project.

The ECA ordinance requires submission of a geotechnical/soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions, or when the Director determines that additional soils analysis is appropriate. Pursuant to this requirement, a geotechnical report prepared in accordance with Director's Rule 3-93 shall be required by DPD for all future building permit applications. The report shall evaluate the general surface and subsurface conditions and provide recommendations concerning site preparation, structure foundation, and fill. The recommendations and conclusions of such report shall be adhered to during construction on the site.

#### Long-term Impacts

Potential long-term impacts to the critical area that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

The owner(s) and/or responsible party(-ies) shall:

#### **During Construction**

1. Adhere to recommendations and conclusions of the geotechnical report submitted for building permit application during construction on the site.

### **CONDITIONS - SHORT SUBDIVISION**

*The owner(s) and responsible party(s) shall:*

#### **Prior to Recording:**

1. Place the following note on the plat: "A geotechnical report shall be prepared in accordance with Director's Rule 3-93 (or its successor) and submitted to DPD for review and approval at the time of building permit application."
2. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
3. Insert the following on the face of the plat: "This site contains a Potential Slide Environmentally Critical Areas (ECAs) as defined in SMC 25.09."
4. Remove "Area note" from page 2 of 2.
5. Move "Easements and slope area" diagram box from page 2 of 2 to page 1 of 2 in order to provide enough room to enlarge the site image.
6. Remove "BLA Parcel B" from site plan on page 2 of 2.
7. The recording number for the side yard easements should be added to the legal description for Lot #1 & 2 on page 1 of 2.
8. The font size on page 2 of 2 should be increased to make the site plan more legible.

9. Text and numbers on site plan page 2 of 2 should not appear above each other. Again the site plan should be legible.

After Recording and Prior to Issuance of a Building Permit

1. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Signature: \_\_\_\_\_ (signature on file) Date: January 1, 2004  
Robert Knable, Site Development Planner  
Department of Planning and Development

RK:bg

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